

PERSONNEL COMMISSION
MINUTES
November 14, 2012
9:00 AM, Room 508

1. OPENING PROVISIONS

A. CALL TO ORDER AND ROLL CALL

Members Present: Mary Beall, Commissioner
Miriam Rothman, Commissioner
Bert Seal, Commissioner

Present: Susan Dixon, Candida Hammond, Dave Liss, Elva Uribe, Sue Wybraniec; Tom Sarmiento, Danny Sarmiento, Kent Buchholz

Secretary: Michele Fort-Merrill

Recording Secretary: Maritess Pantaleon

B. APPROVAL OF AGENDA

MSC (Beall/Seal) to approve the agenda as presented..

2. APPROVAL OF MINUTES

1. Regular Meeting – October 31, 2012

MSC (Seal/Beall) to approve the minutes with amendment to remove Mike Reese and Elva Uribe as present; amended 10-31-2012 Minutes posted on Personnel Commission website.

3. RATIFICATION OF ACTIONS BY DIRECTOR

A. Reclassification

1. None

4. CLASSIFICATION/SALARY RECOMMENDATION

A. Classification of New Positions

1. None

B. Reclassifications/Reallocations

1. Migrant Education Program Support Services Technician, R50, Student Services
- Sue Wybraniec

The Executive Director of the Migrant Education Program has requested reorganization within that department. She has requested that the Commission eliminate the classification of Migrant Education Support Services Supervisor upon the retirement of the incumbent, to approve the reclassification of the vacant position of Migrant Education Program Support Services Technician, and to classify a new position in the same classification. The revised position description was assessed using the Ewing Point Factor System to ensure that the recommended range (50) was comparable to other classifications. Since this position was

established in 1998, data systems have significantly improved while at the same time federal eligibility requirements for participation in the Migrant Education Program have become more complex. This complexity requires Technicians to carefully review the data entered by Outreach Workers and to advise them of issues and regulations that need to be resolved prior to enrollment. These Technicians provide the quality control prior to submission of application to the federal agency and thus the funding. It is logical that the Program Specialist who supervises the Outreach Workers who are the recruiters, also directly supervise these Technicians. The recommendation is to classify one new position of Migrant Education Program Support Services Technician (R50). Additionally, it is recommended that position #7172 (vacant) be reclassified and position #7663 (new) be classified to Migrant Education Program Support Services Technician (R50).

MSC (Beal/Seal) to approve the recommendation to reclassify Migrant Education Support Services Supervisor to Migrant Education Support Services Technician at Range 50. In addition, position #7663 is approved to be reclassified to Migrant Education Program Support Services Technician to Range 50.

MSC (Beal/Seal) to approve the job description update.

C. Job Descriptions

1. Behavioral Support Technician
2. Health Services Technician

MSC (Seal/Beall) to approve the recommendation as presented.

5. POSITION ANNOUNCEMENTS

<u>TITLE</u>	<u>TYPE</u>
Cabin Assistant – Male	Open/Promotional
PASS Community Aide	Promotional
Payroll Technician	Open/Promotional
Work Readiness Assistant	Promotional

The above listed position announcements were presented for information only.

6. ELIGIBILITY LISTS

<u>TITLE</u>	<u>TYPE</u>	<u># Eligible</u>	<u>EXPIRES</u>
Worker's Compensation Technician	Promo	5	4/30/13

MSC (Seal/Beall) to approve the eligibility list as presented.

7. INFORMATION ITEMS

- Personnel Actions
 1. The October 2012 personnel action report was presented for information.
- Presentation – None

9. COMMUNICATIONS

- Personnel Commissioners received via e-mail Tom Sarmiento's addendum (e-mail summary) on November 8, 2012.

10. DIRECTORS REPORT

- Twenty-three employees received layoff notices (17 directly in JCCS and six from other departments impacted by bumping).
- Official notice of layoff to will be sent on 11/14/12 to seven employees in the Fringe Benefits Consortium (FBC) due to lack of work resulting from declined enrollment in the FBC and changes in technology processes.
- Proposition 30 passed and will be in effect on January 1, 2013; however SDCOE is still analyzing the impact on County school district finances.

11. OTHER ACTIONS

A. Approval: Employee Request for Commission Review of Compensation and Classification, Michele Fort-Merrill

The Issue Paper outlined the employee's complaint and addressed recommendations regarding Item 1 (Payment of Overtime) and Item 2 (Immediate Review and Reclassification of Mr. Sarmiento's Position). As per the October 31, 2012 Personnel Commission, action was deferred to November 14th PC meeting in order for Tom Sarmiento to provide additional background information to Personnel Commissioners.

Mr. Sarmiento introduced his representatives, Danny Sarmiento and Kent Buchholz, CSEA Labor Relations Representative. Mr. Sarmiento provided the Personnel Commission with additional background information on the series of events related to his complaint. In summary, Mr. Sarmiento addressed his complaint and request for out-of-class compensation retroactive to July 2009 for hours worked as a manager at Range M27 (based on Computer Support Services Supervisor (CSS) classification initially approved by the Personnel Commission on June 18, 2008, with the intention of a division re-organization that was halted in July 2008.) It is Mr. Sarmiento's belief that although the re-organization was cancelled, he was never instructed by his manager to halt the out-of-class duties, which he alleges he continued to perform. There was discussion around the actual time period that Mr. Sarmiento continued to work beyond his assigned work duties as CSS Supervisor and when the out-of-class stipend stopped. Additionally, Mr. Sarmiento asserted that a key duty he performed while working out-of-class was providing his manager with input on employee evaluations for staff Mr. Sarmiento was assigned to lead. Mr. Buckholtz asserted that key duty was listed on the CSS Manager job description and not on the CSS Supervisor job description. However, Ms. Fort-Merrill responded that the responsibility for providing input to employee evaluations is within Mr. Sarmiento's current duties as CSS Supervisor, but he does not actually approve the evaluations, as would be the case under the management position.

Mr. Sarmiento reviewed the additional background he submitted to the Personnel Commission (Attachment F and G). Personnel Commissioners requested that Mr. Sarmiento state how he wanted his complaint resolved and what he thinks would be a fair outcome. Mr. Sarmiento requested that he receive out-of-class back-pay for the last three years in which he continued to perform duties beyond his current classification of CSS Supervisor.

The Personnel Commission took action on the following Issue Paper items and recommendations:

1. Item 1 (Payment of Overtime): This is not an issue within the jurisdiction of the Personnel Commission; therefore the recommendation is for the Personnel Commission to deny the request for consideration of overtime.

MSC (Seal/Beall) to approve the recommendation as presented.

2. Item 2 (Immediate Review and Reclassification of Mr. Sarmiento's Position): The Personnel Commission has an approved process for employee requests for classification reviews. Employees may request a review of their positions during the annual review window period announced by the Human Resources department each spring. However, Ms. Fort-Merrill will modify the process to accommodate Mr. Sarmiento's request for classification review of his current position. HR staff was directed to conduct an analysis and present a report at the January 16, 2013 Personnel Commission meeting. No action was taken on item 2.

B. Election of Officers

The recommendation is for Bert Seal to be Chair of the Personnel Commission in 2013.

MSC (Rothman/Beall) to approve the recommendation as presented.

The recommendation is for Mary Beall to be Vice-Chair of the Personnel Commission in 2013.

MSC (Rothman/Seal) to approve the recommendation as presented.

12. DATE OF NEXT MEETING

- A. Regular Meeting – December 12, 2012 is cancelled.

MSC (Beall/Seal) to approve the recommendation as presented.

- B. Regular Meeting – January 16, 2013, 9:00 AM, Room 508

13. ADJOURNMENT

Meeting adjourned at 10:41 AM

Approved: Personnel Commission

By: _____

Bert Seal

Date: _____

Nov 16, 2013